

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Scott Miller,

Plaintiff,

vs.

Commissioner of Social Security
Administration,

Defendant.

No. CV-23-00664-PHX-SPL

ORDER

Plaintiff filed a Complaint (Doc. 1), challenging the denial of his disability insurance benefits. The Honorable Deborah M. Fine, United States Magistrate Judge, issued a Report and Recommendation (“R&R”) (Doc. 23), recommending that the Court reverse the Administrative Law Judge’s decision and remand for further proceedings. Judge Fine advised the parties that they had fourteen (14) days to file objections to the R&R and that failure to do so could be considered a waiver of the right to review (Doc. 23 at 20) (citing 28 U.S.C. § 636(b), *U.S. v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)). Plaintiff filed Objections (Doc. 24), and no response was filed.

A district judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b). When a party files a timely objection to an R&R, the district judge reviews *de novo* those portions of the R&R that have been “properly objected to.” Fed. R. Civ. P. 72(b). A proper objection requires specific written objections to the findings and recommendations in the R&R. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); 28 U.S.C. § 636(b) (1). It

1 follows that the Court need not conduct any review of portions to which no specific
2 objection has been made. *See Reyna-Tapia*, 328 F.3d at 1121; *see also Thomas v. Arn*, 474
3 U.S. 140, 149 (1985) (discussing the inherent purpose of limited review is judicial
4 economy). Further, a party is not entitled as of right to *de novo* review of evidence or
5 arguments which are raised for the first time in an objection to the R&R, and the Court's
6 decision to consider them is discretionary. *United States v. Howell*, 231 F.3d 615, 621-622
7 (9th Cir. 2000).

8 The Court has carefully undertaken an extensive review of the sufficiently
9 developed record. Plaintiff's objections to the findings and recommendations have also
10 been thoroughly considered.

11 After conducting a *de novo* review of the issues and objections, the Court reaches
12 the same conclusions reached by the magistrate judge. The R&R will be adopted in full.
13 Accordingly,

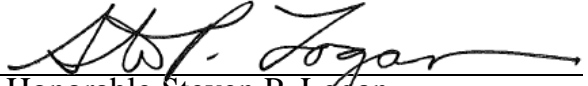
14 **IT IS ORDERED** that Magistrate Judge Deborah M. Fine's Report and
15 Recommendation (Doc. 23) is **accepted** and **adopted** by the Court.

16 **IT IS FURTHER ORDERED** that Plaintiff's Objections (Doc. 24) are **overruled**.

17 **IT IS FURTHER ORDERED** that the final decision of the Commissioner of the
18 Social Security Administration is **reversed and remanded for further proceedings**.

19 **IT IS FURTHER ORDERED** directing the Clerk of Court to enter judgment
20 accordingly and terminate this case.

21 Dated this 25th day of September, 2024.

22 
23 Honorable Steven P. Logan
24 United States District Judge
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